Receipt Number
555593

28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

Nedal R. TAMER,
6621 Oakman Blvd.
Dearborn, MI 48126

Plaintiff

v.

CAROL JENNIFER, Detroit District Director
U.S. Department of Homeland Security
333 Mt. Elliot St.
Detroit, MI 48207

MICHAEL CHERTOFF, Secretary
U.S. Department of Homeland Security
Nebraska Avenue Center
Washington, D.C. 20528

ROBERT MUELLER, Director
Federal Bureau of Investigation
935 Pennsylvania Ave., N.W.
Washington, D.C. 20535-0001

Defendants.

A# 76-512-892
WRIT OF MANDAMUS

Case: 2:07-cv-11208
Assigned To: Friedman, Bernard A
Referral Judge: Majzoub, Mona K
Filed: 03-21-2007 At 10:58 AM
CMP TAMER V DEPT OF HOMELAND SECURITY ETAL (RRH)

I. INTRODUCTION

1. This is a civil action brought to compel Defendants and those acting under them to complete any and all security checks and clearances required in order to complete the adjudication of Plaintiff's application for naturalization.

II. JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1361 [to compel an officer or employee of the United States or agency thereof to perform a duty owed to the plaintiff] and 5 U.S.C. §§ 704 [no other adequate

remedy] and 706 [to compel agency action unlawfully withheld or unreasonably delayed].

3. Venue is proper in this Court pursuant to 28 U.S.C. §1391(e)(1) based upon the residence of the Plaintiff and the residence of Defendant, Carol Jennifer.

III. PARTIES

4. Plaintiff, Nedal R. Tamer is a lawful permanent resident of the United States (Alien Registration Number A# 76-512-892) and an applicant for Naturalization. He is a resident of Dearborn, Michigan. **(Exhibit 1)**

5. Defendant, Carol Jennifer is being sued in her official capacity as the Director of the Detroit District Office of the Department of Homeland Security, Citizenship and Immigration Services (hereinafter CIS), the office which conducted Plaintiff's interview for naturalization and which has jurisdiction over his application.

6. Defendant, Michael Chertoff is being sued in his official capacity as the Secretary of the United States Department of Homeland Security who overseas the agency who conducted the applicant's interview for naturalization and which has jurisdiction over his application.

7. Defendant, Robert Mueller is being sued in his official capacity as the Director of the Federal Bureau of Investigation, the agency responsible for performing the background and security checks required before an application for naturalization can be adjudicated.

IV. FACTUAL ALLEGATIONS

8. Plaintiff, Nedal R. Tamer filed an N-400 application for naturalization in 2003. He was interviewed on August 5, 2004. He passed his English language and Government examinations on that date. However, he was given notice that he could not be recommended for final approval because his security checks were not complete. **(Exhibit 2)**

9. Plaintiff meets all the requirements for naturalization in that he is over the age of 18; he is a person of good moral character; he has been a permanent resident for five years; he has the required physical presence in the United States; he passed the required examinations; and he is attached to the principals of the Constitution and the Government of the United States.

10. There is no evidence that he falls into any of the categories of statutory ineligibility.

11. Since his interview, Plaintiff has made numerous efforts to get Defendants to complete his security checks and adjudicate his application. **(Exhibit 3)**

12. Plaintiff has exhausted his administrative remedies.

13. As a result of Defendants' willful and unreasonable delay in adjudicating Plaintiff's application, Plaintiff has been unable to move forward with his life; has lost valuable job opportunities; has been deprived of his peace of mind; and deprived of important benefits, rights and protections to which he would be entitled as a citizen of the United States.

V. STATUTORY AND REGULATORY FRAMEWORK

14. The Immigration and Nationality Act provides for the naturalization of lawful permanent residents of the United States who meet the requirements set forth therein. 8 U.S.C. §1445 et seq. The Act specifies that the filing of an N-400 application shall trigger a background investigation of the applicant, including a review of all pertinent immigration and police records. 8 U.S.C. §1446(a). In this case, the N-400 application was filed in 2003. Applicant passed his examination on August 5, 2004.

15. In addition, the regulations provide that said investigation of the applicant **shall be completed** before any examination of the applicant takes place. 8 C.F.R. §335.2(b). However, at the time of Plaintiff's examination on August 5, 2004, the background investigation had not been completed.

16. Neither the INA nor the regulations provide a mandatory timeframe in which security clearances must be completed. However, the regulations do require that once an applicant is interviewed, **the decision** to grant or deny **shall be made within 120 days** thereof. 8 C.F.R. §335.3.

VI. CLAIM FOR RELIEF

17. Plaintiff re-alleges Paragraphs one through fifteen as though fully set forth herein.

18. Defendants have willfully and unreasonably delayed in the completion of the security checks required for final adjudication of Plaintiff's naturalization application.

19. The delay in completing the required background checks cannot be attributed to Plaintiff in any way.

20. Plaintiff has exhausted any administrative remedies that might exist. No other remedy exists for him to resolve Defendants' delay.

21. DHS itself has identified the filing of a Writ of Mandamus as a means to completing the clearance process in a Notice published January 2005, entitled "FBI Name Check Expedite Criteria".

WHEREFORE, Plaintiff asks this Court:

1. To compel Defendants and those acting under them to perform their duty to complete the required background checks and security clearances and to adjudicate Plaintiff's application for naturalization and, if approved, to administer the oath of allegiance making him a citizen of the United States.

2. To grant such other and further relief as this Court may deem just and proper.

Dated: March 12, 2007

Respectfully submitted,

DANNY GARMO

Attorney for Plaintiff

Danny Garmo (P 62861)
Steven N. Garmo (P 43819)
Law Offices of Garmo & Associates, P.C.
28230 Orchard Lake Rd., Ste 201
Farmington Hills, MI 48334
(248) 626-0050
steve@garmo.com
danny@garmo.com

EXHIBIT 1

MICHIGAN

CHAUFFEUR LICENSE
T 550 626 734 792

EXPIRES
10-15-2010

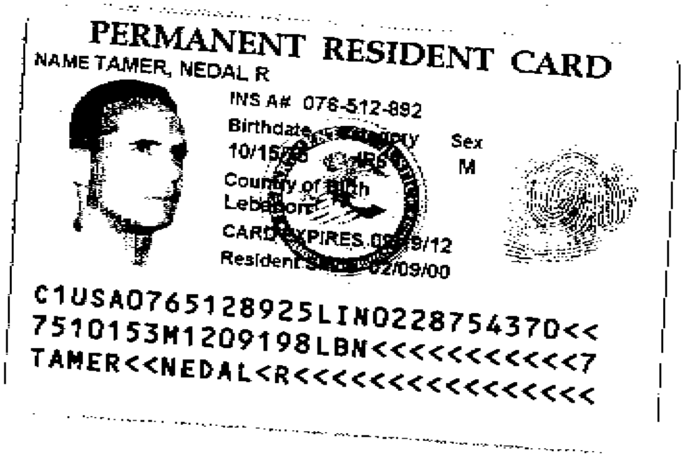
See back for medical information, anatomical gift

NEDAL REDA TAMER
6521 OAKMAN BLVD
DEARBORN, MI 48126-1890

Date of birth	Sex	Height	Eyes	Lic Type	Endorsements
10-15-1975	M	505	BRO	C	NONE

Restrictions: NONE

T289199



PERMANENT RESIDENT CARD

NAME TAMER, NEDAL R

INS A# 076-512-892

Birthdate [illegible] Category [illegible] Sex

10/15/[illegible] [illegible] M

Country of Birth

Lebanon

CARD EXPIRES [illegible]9/12

Resident Since 02/09/00

C1USA0765128925LIN0228754370<<
7510153M1209198LBN<<<<<<<<<<<7
TAMER<<NEDAL<R<<<<<<<<<<<<<<<<

EXHIBIT 2

U.S. Department of Justice
Immigration and Naturalization Service

Naturalization Interview Results

A#: A 076 512 892

On 8/5/04, you were interviewed by INS officer [signature].

☒ You passed the tests of English and U.S. history and government.
☐ You passed the test of U.S. history and government and the English language requirement was waived.
☐ The Service has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.

☐ You will be given another opportunity to be tested on your ability to ____ speak / _____ read / _____ write English.
☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.

☐ Please follow the instructions on the Form N-14.
☒ INS will send you a written decision about your application. G-325 ✓

☐ You did not pass the second and final test of your _____ English ability / _____ knowledge of U.S. history and government. You will not be rescheduled for another interview for this N-400. INS will send you a written decision about your application.

A)_____ **Congratulations! Your application has been recommended for approval.** At this time, it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B)_____ **A decision cannot yet be made about your application.**

It is very important that you:

- ✓ Notify INS if you change your address.
- ✓ Come to any scheduled interview.
- ✓ Submit all requested documents.
- ✓ Send any questions about this application in writing to the officer named above. Include your full name, A-number, and a copy of this paper.
- ✓ Go to any oath ceremony that you are scheduled to attend.
- ✓ Notify INS as soon as possible in writing if you cannot come to any scheduled interview or oath ceremony. Include a copy of this paper and a copy of the scheduling notice.

EXHIBIT 3

Danny Garmo

From: Reaves, James [James.Reaves@dhs.gov]
Sent: Tuesday, February 06, 2007 6:52 AM
To: danny@garmo.com
Subject: RE: N-400

Background checks are still pending.

JL Reaves

From: Danny Garmo [mailto:danny@garmo.com]
Sent: Monday, February 05, 2007 4:51 PM
To: 'Reaves, James'
Subject: N-400

Dear Supervisor Reaves:

RE: N-400
Nedal TAMER
A# 76-512-892

The purpose of this email is to request a status inquiry on the file above. We represent the individual now per our enclosed G-28. (PDF attachment above) The individual passed his N-400 test on **August 5, 2004** with Officer Bazzi. Its' been nearly 2 ½ years since the applicant passed with no progress.

Can you please update us on this file, we would greatly appreciate. Thank you and have a great day.

Very Truly Yours,
Danny Garmo, Attorney
Law Offices of Garmo & Associates, P.C.
28230 Orchard Lake Road, Ste 201
Farmington Hills, Michigan USA 48334
Tel: (248) 626-0050
Fax: (248) 626-0051
email: danny@garmo.com
Web page: www.garmo.com

Renee Dagher

From: Reaves, James [James.Reaves@dhs.gov]
Sent: Monday, January 29, 2007 12:10 PM
To: Renee Dagher
Subject: RE: Nidal Tamer A:076-512-892 N-400 pending 2 1/2 years

Background checks are still pending, there is no need to re-file.

James Reaves

From: Renee Dagher [mailto:rdagher@dgdlegal.com]
Sent: Monday, January 29, 2007 10:09 AM
To: 'Reaves, James'; 'Brownrigg, Thomas'
Subject: Nidal Tamer A:076-512-892 N-400 pending 2 1/2 years

Dear Officer Reaves and Officer Brownrigg:

I am writing to check on the name check clearance for Mr. Tamer. The N-400 case has been pending over 2 ½ years. Mr. Tamer has an offer of employment from U.S. Company in Iraq to work, L-3 Communications. In order to be accepted for the position of Linguist Operations and Technical Support, Mr. Tamer must be a U.S. citizen. In addition, Mr. Tamer has been waiting 2 years now to apply and bring his parents to the United States.

Please check on the process as soon as possible. Advise on whether we should re-file the citizenship application. I have also talked with Steve Garmo about a Federal Court Mandamus case. Thank you.

Renee

Renee Dagher
Immigration and Nationality Attorney
Law Offices of Ali Dagher, P.C.
14207 Ford Road
Dearborn, MI 48126
Phone: 313-846-1900
Fax: 313-846-1910
Email: rdagher@dgdlegal.com

01/08/2007

Department of Homeland Security
U.S Citizenship and Immigration Service

333 MT.Elliott
Detroit, MI 48707

Attn: INS Detroit

Subject: Verification of Naturalization Certificate for Nedal Reda Tamer, SSN 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

Dear Sir or Madam:

I am writing on behalf of Mr. Nedal Reda Tamer, who has applied to one of our positions at L-3 Communications Titan Linguist Operations and Technical Support. Mr. Tamer has met the initial pre-screening requirements for a linguist position. To continue with the process, he must have the original Naturalization Certificate for the next phase of the application process.

To complete the vetting process, he must travel to Northern Virginia to attend an interview, screening and qualification process, over duration of 10 business days, depending on his successful completion of each stage. If Mr. Tamer is successful throughout this entire process and positions are still available, L-3 Communications Titan Linguist Operations and Technical Support may extend an offer of employment.

We are a government contractor that provides linguist services to the US Army and other DOD agencies. Our employees serving on this contract are professional and high-quality linguists that provide a valuable service to the United States in our mission to protect our national interests and counter terrorism worldwide.

I would like to thank you for taking the time to consider Mr. Tamer request and current career options. If you have any questions concerning this letter, please feel free to contact, Mr.Naeif Rafeh at (312) 296-8867.

Sincerely,

Derek Weaver
Vice President
Accession Branch

Renee Dagher

From: Reaves, James [James.Reaves@dhs.gov]
Sent: Monday, July 17, 2006 11:28 AM
To: Renee Dagher
Subject: RE: Nidal Tamer A: 076-512-892 Naturalization Application

Still pending...

James Reaves

From: Renee Dagher [mailto:rdagher@dgdlegal.com]
Sent: Monday, July 17, 2006 11:04 AM
To: Bazzi, Majdie
Cc: 'Reaves, James L'
Subject: FW: Nidal Tamer A: 076-512-892 Naturalization Application

See below

From: Renee Dagher [mailto:rdagher@dgdlegal.com]
Sent: Monday, July 17, 2006 10:56 AM
To: 'majdie.bazzi@gdhs.gov'
Subject: Nidal Tamer A: 076-512-892 Naturalization Application

Dear Officer Bazzi:

I am writing to inquire into the naturalization application for Mr. Tamer. Name Check has been pending since February 3, 2004. Any information you could provide is appreciated.

Sincerely,

Renee Dagher
Immigration and Nationality Attorney
Law Offices of Ali Dagher, P.C.
14207 Ford Road
Dearborn, MI 48126
Phone: 313-846-1900
Fax: 313-846-1910
Email: rdagher@dgdlegal.com

Weinstein, Lisa (Levin)

-----Original Message-----
From: Gellert, Gregory
Sent: Tuesday, May 09, 2006 2:38 PM
To: Weinstein, Lisa (Levin)
Subject: RE: Nedal Tamer, A76 512 892

Nedal Tamer A76 512 892

Thank you for your inquiry concerning the Application For Naturalization, Form N-400, submitted by Nedal Tamer.

The N-400 application was received at the Nebraska Service Center on January 9, 2004. The name check was requested on February 3, 2004 and the name check still has not cleared. Because the fingerprints did clear but over 15 months have elapsed since they cleared, once the name check does clear, the applicant will be sent a notice to proceed to the Application Support Center in order to furnish a new set of fingerprints.

I trust this is at least informative to you.

Greg Gellert
Congressional Liaison officer
Detroit, MI(DET)

Renee Dagher

From: Reaves, James [James.Reaves@dhs.gov]
Sent: Thursday, September 21, 2006 2:31 PM
To: Renee Dagher
Subject: RE: 076-512-892 Nidal Tamer N-400 pending OVER two years

Back ground checks are still pending.

JL Reaves

From: Renee Dagher [mailto:rdagher@dgdlegal.com]
Sent: Thursday, September 21, 2006 11:19 AM
To: 'Reaves, James L'
Subject: A: 076-512-892 Nidal Tamer N-400 pending OVER two years

Dear Mr. Reaves: I am writing to check of the N-400 application pending for over two years. Other attorneys in Detroit are indicating that they are obtaining results by filing federal court mandamus actions. As this case has been pending so long, I am considering taking this route even though doing so will be at some of my costs. Before I take this action I want to be sure that there is no other recourse and that the name check has not cleared.

Sincerely, Renee Dagher

Renee Dagher
Immigration and Nationality Attorney
Law Offices of Ali Dagher, P.C.
14207 Ford Road
Dearborn, MI 48126
Phone: 313-846-1900
Fax: 313-846-1910
Email: rdagher@dgdlegal.com

Renee Dagher

From: Bazzi, Majdie [Majdie.Bazzi@dhs.gov]
Sent: Monday, May 23, 2005 9:29 AM
To: Renee Dagher
Subject: Re:Nidal Tamer N-400 A: 076-512-892

Ms. Dagher, I checked Mr. Tamer's file. It looks like the Service is still
waiting for the results of the background check. We cannot adjudicate his
N-400
until his check is cleared. Thank you, DAO Bazzi

__________________________Reply Separator____________________
Subject: Nidal Tamer N-400 A: 076-512-892
Author: "Renee Dagher" <SMTP:rdagher@dgdlegal.com>
Date: 5/16/2005 10:49 AM

Dear Officer Bazzi:

I am writing to check briefly on this N-400 case. The background check as
been
pending about 9 months. Please take a moment to check the case and see if
it
has clear. I appreciate your assistance. If the case goes over one year
pending, is there anything additional we can do. I am trying to assure the
clients that there is nothing wrong with the cases, but they are understandably
concerned.

Thanks.

Renee Dagher
Immigration and Nationality Attorney
14207 Ford Rd.
Dearborn, Michigan 48126
Phone: 313-846-1900
Fax: 313-846-1910
Email: rdagher@dgdlegal.com < mailto:rdagher@dgdlegal.com
<mailto:rdagher@dgdlegal.com> >

Renee Dagher

From: Bazzi, Majdie [Majdie.Bazzi@dhs.gov]
Sent: Thursday, January 13, 2005 1:08 PM
To: Renee Dagher
Subject: Re:N-400 Name Check A:076-512-892

It's still pending and I cannot adjudicate the N400 application until
the
background check is clear. Thanks, DAO Bazzi

______________________Reply Separator______________________
Subject: N-400 Name Check A:076-512-892
Author: "Renee Dagher" <SMTP:rdagher@dgdlegal.com>
Date: 1/13/2005 12:43 PM

Dear Officer Bazzi:

I am writing to check on the N-400 case of Mr. Nidal Tamer. He is
pending
with
you waiting for a G-325 name check. We interviewed on August 5, 2004.

Thank you.

Renee Dagher
Immigration and Nationality Attorney
14207 Ford Rd.
Dearborn, Michigan 48126
Phone: 313-846-1900
Fax: 313-846-1910
Email: rdagher@dgdlegal.com < mailto:rdagher@dgdlegal.com
<mailto:rdagher@dgdlegal.com> >

Ali and Renee Dagher

From: Bazzi, Majdie [Majdie.Bazzi@dhs.gov]
Sent: Monday, September 26, 2005 7:05 AM
To: "Renee Dagher"
Subject: Re:N-400 Nidal Tamer: A: 076-512-892 Name check and add

The name check is still pending. CIS cannot adjudicate the N-400 until are checks are complete. Thanks, Bazzi

______________________ Reply Separator ______________________
Subject: N-400 Nidal Tamer: A: 076-512-892 Name check and addres
Author: "Renee Dagher" <SMTP:rdagher@dgdlegal.com>
Date: 8/24/2005 11:07 AM

Dear Ms. Bazzi:

I emailed a week ago with the address change and request for status update for Mr. Tamer. Our office email was experience some difficulties, so I am sending this again as I did not receive a response.

Mr. Tamer has been waiting over one year for approval of citizenship. I believe the only thing holding up the approval is name check clearance. Please update us.

Also, Mr. Tamer has moved. I have prepared an AR-11 for filing however, his new address is: 6621 Oakman, Dearborn, MI 48126. Please advise if there is any further action that I must take on the address change. Also, Please advise if there is someone besides yourself I should be emailing for a status update.

Thanks. Have a good day.

Renee Dagher

Renee Dagher
Immigration and Nationality Attorney
Law Offices of Ali Dagher, PLLC.
14207 Ford Rd.
Dearborn, MI 48126
Phone: (313) 846-1900
Fax: (313) 846-1910
Email: rdagher@dgdlegal.com <mailto:rdagher@dgdlegal.com>

Renee Dagher

From: Bazzi, Majdie [Majdie.Bazzi@dhs.gov]
Sent: Monday, January 29, 2007 10:33 AM
To: Renee Dagher
Subject: RE: Nidal Tammer A: 076-512-892

Background check is still pending since 2004-Thank you, DAO Bazzi Det

---

From: Renee Dagher [mailto:rdagher@dgdlegal.com]
Sent: Monday, January 29, 2007 10:07 AM
To: Bazzi, Majdie
Subject: Nidal Tammer A: 076-512-892

Dear Officer Bazzi:

I am writing to check on the name check clearance for Mr. Tamer. The N-400 case has been pending over 2 ½ years. Mr. Tamer has an offer of employment from U.S. Company in Iraq to work, L-3 Communications. In order to be accepted for the position of Linguist Operations and Technical Support, Mr. Tamer must be a U.S. citizen. In addition, Mr. Tamer has been waiting 2 years now to apply and bring his parents to the United States.

Please check on the process as soon as possible. Advise on whether we should re-file the citizenship application. I have also talked with Steve Garmo about a Federal Court Mandamus case. Thank you.

Renee

Renee Dagher
Immigration and Nationality Attorney
Law Offices of Ali Dagher, P.C.
14207 Ford Road
Dearborn, MI 48126
Phone: 313-846-1900
Fax: 313-846-1910
Email: rdagher@dgdlegal.com

CARL LEVIN
MICHIGAN

RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2202
(202) 224-6221

United States Senate

WASHINGTON, DC 20510-2202

COMMITTEES:
ARMED SERVICES
GOVERNMENTAL AFFAIRS
SMALL BUSINESS
INTELLIGENCE

May 15, 2006

Ms. Renee Dagher
Law Offices of Ali H. Dagher
14207 Ford Road
Dearborn, MI 48126

Dear Ms. Dagher:

I am writing to provide you with information regarding the concerns of your client, Mr. Nedal Tamer.

Enclosed is the response that I received from the Detroit District Office. As you will note, Mr. Tamer's Federal Bureau of Investigation name check is still pending.

I realize this is disappointing and regret that I cannot provide a more favorable response.

Sincerely,

Carl Levin

CL:lw
Enclosure

CARL LEVIN
MICHIGAN

RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2202
(202) 224-6221

United States Senate

WASHINGTON, DC 20510-2202

COMMITTEES:
ARMED SERVICES
GOVERNMENTAL AFFAIRS
SMALL BUSINESS
INTELLIGENCE

November 7, 2005

Ms. Renee Dagher
Law Offices of Ali H. Dagher
VIA FAX

Dear Ms. Dagher:

I am writing to provide you with information regarding the concerns of your client, Nedal Reda Tamer.

According to the CIS, this application is on hold until it receives the results of the mandatory Federal Bureau of Investigation (FBI) name check. My staff contacted the FBI and verified that this case is still pending. Please note that the FBI is working to process all name check requests as quickly as possible; however, some cases are taking at least one year to resolve. Unfortunately, I am unable to expedite name checks. I have been assured that the CIS will contact you when it is able to proceed with this case.

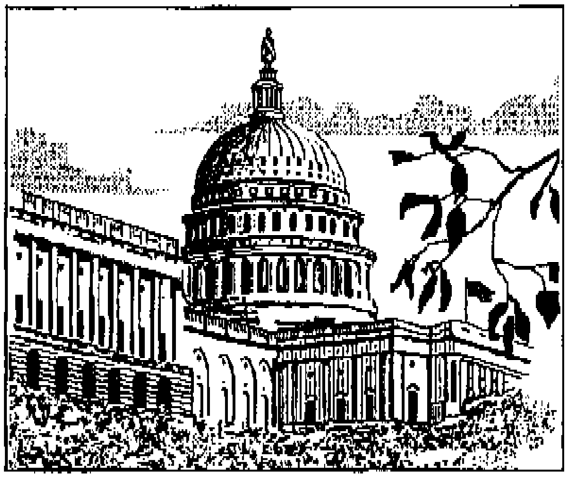
I realize this is disappointing and regret that I cannot provide a more favorable response.

Sincerely,

Carl Levin

Carl Levin

CL:lw



Fax from the office of:

Senator Carl Levin
Detroit Office

477 Michigan Avenue
Room 1860
Detroit, Michigan 48226
(313) 226-6020
(313) 226-6534 (fax)

Please deliver to Renee Dagher *Date* 11/07/05

Fax Number 313-846-1910 *Time* ______

From:

☐ Carl Levin	☐ David Allen	☐ Sheila Marolla	☐ George Fowler
☐ Cassandra Woods	☐ Gina Dusseau	☒ Lisa Weinstein	☐ Cathy Somers
☐ Eunice Confer	☐ Nicole James	☐ Gale Govaere	☐ Vanessa Washington
☐ Lisa Verona	☐ Carolyn Kapustij	☐ Denise O'Neal	☐ Other

Total number of pages including this page 2

If you do not receive all the pages, call (313) 226-6020

Additional Comments:

CARL LEVIN
MICHIGAN

RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2202
(202) 224-6221

COMMITTEES:
ARMED SERVICES
GOVERNMENTAL AFFAIRS
SMALL BUSINESS
INTELLIGENCE

United States Senate

WASHINGTON, DC 20510-2202

October 2, 2006

Ms. Renee Dagher
Ali H. Dagher, P.C.
14207 Ford Road
Dearborn, MI 48126

Dear Ms. Dagher:

I am writing to provide you with information regarding your client's, Nedal Tamer, concerns with the U.S. Citizenship and Immigration Services.

According to the Nebraska Service Center, this case is on hold until it receives the results of your client's Federal Bureau of Investigation (FBI) name check. Consequently, I have sent an inquiry to the FBI to determine the status of this case. You will be notified as soon as I receive a response.

Your continued patience is appreciated.

Sincerely,

Carl Levin

Carl Levin

CL/jf

CARL LEVIN
MICHIGAN

RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2202
(202) 224-6221

United States Senate

WASHINGTON, DC 20510-2202

COMMITTEES:
ARMED SERVICES
GOVERNMENTAL AFFAIRS
SMALL BUSINESS
INTELLIGENCE

November 13, 2006

Ms. Renee Dagher
Ali H. Dagher, P.C.
14207 Ford Road
Dearborn, MI 48126

Dear Ms. Dagher:

I am writing to provide you with information regarding your client's, Mr. Nedal Tamer, concerns with the U.S. Citizenship and Immigration Services (CIS).

According to the CIS, your client's application is on hold until it receives the results of the mandatory Federal Bureau of Investigation (FBI) name check. My staff contacted the FBI and verified that your client's case is still pending. Please note that the FBI is working to process all name check requests as quickly as possible; however, some cases are taking at least one year to resolve. Unfortunately, I am unable to expedite name checks. I have been assured that the CIS will contact you when it is able to proceed with your client's case.

I realize this is disappointing and regret that I cannot provide a more favorable response.

Sincerely,

Carl Levin

Carl Levin

CL/jf

(Rev. 11/04)

CIVIL COVER SHEET

County in which this action arose: Wayne County

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Nedal R. TAMER

(b) County of Residence of First Listed Plaintiff: Wayne
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Law Offices of Garmo & Associates, P.C. Danny Garmo/Steven N. Garmo
28230 Orchard Lake Rd., Suite 201
Farmington Hills, MI 48334 (248) 626-0050

DEFENDANTS

Department of Homeland Security
United States Citizenship & Immigration Services
An Agency of the United States Government

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Select One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Select One Box for Plaintiff ...)

Citi... ☐ 4
Cit... ☐ 5
Cit... ☐ 6
Foreign Country

Case: 2:07-cv-11208
Assigned To: Friedman, Bernard A
Referral Judge: Majzoub, Mona K
Filed: 03-21-2007 At 10:58 AM
CMP TAMER V DEPT OF HOMELAND SECURITY ETAL (RRH)

IV. NATURE OF SUIT (Select One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence
- Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☒ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Access to Justice
- ☐ 950 Constitutionality of State Statutes

890

V. ORIGIN (Select One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):
28 U.S.C. § 1361 & 5 U.S.C. §704

Brief description of cause:
Plantiff passed his N-400 (citizenship) exam on 08-05-2004. Security background checks have been pending for over 2 years

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE ______ DOCKET NUMBER ______

DATE: February 8, 2007

SIGNATURE OF ATTORNEY OF RECORD: [signature]

FOR OFFICE USE ONLY

RECEIPT # ______ AMOUNT ______ APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes
☑ No

If yes, give the following information:

Court: ______________________

Case No.: ______________________

Judge: ______________________

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☑ No

If yes, give the following information:

Court: ______________________

Case No.: ______________________

Judge: ______________________

Notes :